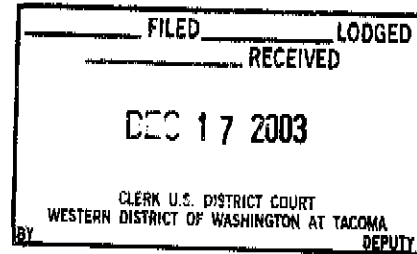


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Attorney for Defendant Keppel



02-CV-05719-M

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON

AT TACOMA

UNITED STATES OF AMERICA,

 Plaintiff,

 v.

 ROBERT R. KEPPEL,

 Defendant.

No. C02-5719RJB
 MOTION TO APPROVE SETTLEMENT
 AGREEMENT AND FOR ORDERS
 SATISFYING JUDGMENT OF
 RESTITUTION

Noted by Clerk
12/26/02

Comes now Defendant Robert Keppel in the above captioned case and removes his previous motion to the court herein for orders approving the settlement agreement between Defendant and Microsoft Corporation and an order satisfying the Judgment of Conviction Restitution award entered against Defendant Keppel. Defendant Keppel has withdrawn requests that aspects of his post-prison supervision conditions be modified and simply requests approval of the Settlement Agreement previously filed with the court together with requests the Judgment of Restitution be satisfied.

1 **A. Factual Background.**

2 Defendant Keppel was convicted of a single count of violating the Economic Espionage
3 Act 18 U.S.C. §1832(a)(2) "Theft of Trade Secrets" on January 31, 2003. He was subsequently
4 imprisoned for a term not to exceed twelve months and a day. Defendant is presently serving his
5 prison term at Terminal Island Federal Correctional Institution at Terminal Island California.

6 As part of the sentence this court ordered the forfeiture of all seized assets and established
7 a value of \$200,000 for those assets. Defendant was further ordered to pay restitution to
8 Microsoft Corporation in an amount of \$500,000 to be reduced by the valued of the seized assets.
9 At the time of sentencing Defendant owed a restitution judgment of \$300,000 to Microsoft
10 Corporation

11 Defendant and Microsoft entered into negotiated settlement discussions to make
12 payments to satisfy the restitution judgment. After extensive and detailed discussions Defendant
13 and Microsoft have entered into the Settlement Agreement attached and incorporated herein as
14 Exhibit 1. The parties have agreed to satisfy the Judgment of Restitution for an additional
15 payment by Defendant of \$100,000. Microsoft agrees to waive payment of the remaining
16 \$200,000.

17 **B. Orders Requested by Defendant**

18 At the time of this Motion both Microsoft and Defendant Keppel have attempted to
19 obtain the consent and approval of this settlement agreement by the United States by and through
20 the United States Attorney, Annette Haycs. At the time of the original filing of the motions
21 hercin, the United States had not communicated their position on the pending settlement and
22 related motion. At the date of this motion the United States has filed a document which is a bit
23 on the vague side and appears not to object to, nor approve of, the request of Defendant and
24 Microsoft herein.

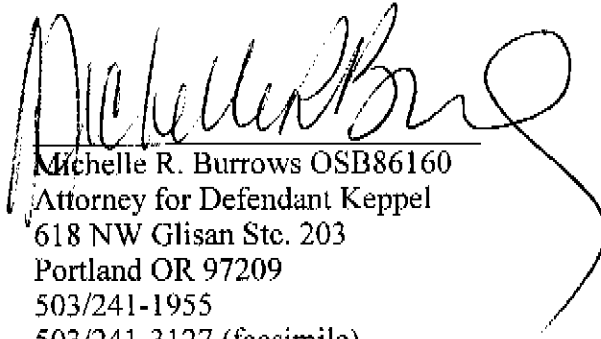
25 Defendant seeks an order allowing the resolution of the Judgment of Conviction

1 Restitution Award in accord with the terms and conditions of the attached settlement agreement.

2 Defendant seeks an order satisfying the judgment of restitution in full and ordering the
3 satisfaction to be entered of record.

4 Dated this 12th day of December 2003.

5 Respectfully submitted,

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8 
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